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8
9 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

10 Justin James Edmisten.
11 Petitioner,
12
13 v.
14 Dwight Neven, et al.,
15 Respondents.

Case No. 2:15-cv-00952-RFB-NJK

**Unopposed motion to extend time
to file opposition to motion to
dismiss**

(First Request)

1 **POINTS AND AUTHORITIES**

2 Petitioner Justin James Edmisten respectfully asks this Court to enter an
3 Order extending his deadline for filing a counseled opposition to motion to dismiss by
4 45 days from January 18, 2019 until March 4, 2019.

5 Petitioner mailed his *pro se* petition for a writ of habeas corpus on May 15,
6 2015. ECF No. 4.

7 On March 21, 2017, this Court reconsidered its previous order denying counsel
8 and appointed the Federal Public Defender, District of Nevada. ECF No. 17.

9 On January 4, 2019, Respondents filed a Motion to Dismiss First Amended
10 Petition for Writ of Habeas Corpus, ECF No. 48. This is a first request for an
11 extension of time.

12 Counsel's schedule has prevented her from completing her response to the
13 motion to dismiss. Since the motion to dismiss was filed by Respondents, counsel has
14 had the following deadlines: *Zanini v. Baker*, 3:18-cv-00336 (protective first amended
15 petition); *McNair v. Baca*, 3:18-cv-00308-HDM-CBC (protective first amended
16 petition); *Williams v. Gentry*, 17-17422 (opening brief and excerpts of record).
17 Counsel was also out of the office on sick leave on January 17, 2019.

18 Counsel emailed counsel for Respondents, Jessica Perlick, who advised she is
19 not opposed to this request. Petitioner understands that opposing counsel's non-
20 opposition does not waive any claims, defenses, statute of limitations, or other
21 substantive arguments the Respondents may choose to raise at a later date.
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1 This motion is made in good faith and not for the purpose of delay. Petitioner
2 therefore respectfully requests that this Court grant his motion to file an opposition
3 to motion to dismiss on or before March 4, 2019.
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5 Dated January 17, 2019.

6 Respectfully submitted,

7 Rene L. Valladares
8 Federal Public Defender

9 /s/Megan C. Hoffman

10 Megan C. Hoffman
11 Assistant Federal Public Defender
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13 IT IS SO ORDERED:
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16 _____
17 RICHARD F. BOULWARE, II
18 UNITED STATES DISTRICT JUDGE

19 DATED this 18th day of January, 2019.
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Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: Jessica Perlick.

Justin Edmisten
No. 1047583
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV 89419

/s/ Jessica Pillsbury
An Employee of the
Federal Public Defender